

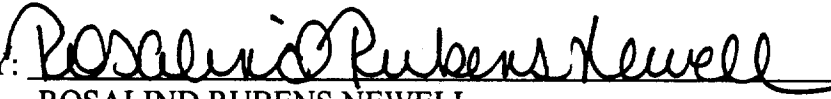
Entered - 9-14-98 - sb
CL 98L0632 - ALEXIS HOLMES

01-*ℓ* -1372

CLAIM OF: **ROY A. COLE**
912 Rice Street, NW
Atlanta, Georgia 30318

For damages alleged to have been sustained as a result of maintaining
City and County property for an undisclosed period of time at 912
Rice and Willis Streets, NW.

THIS ADVERSED REPORT IS APPROVED

BY: 
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 98L0632

Date: 8/8/01

Claimant /Victim ROY A. COLE

BY: (Atty) _____

Address: 912 Rice Street, NW Atlanta, Georgia 30318

Subrogation: _____ Claim for Property damage \$ 210,000.00 Bodily Injury \$ _____

Date of Notice: 9/2/98 Method: Written, proper X Improper _____

Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X

Date of Occurrence Not Stated Place: 912 Rice Street and Willis Street, NW

Department Planning, Development and Neighborhood Conservation Division: Zoning

Employee involved _____ Disciplinary Action: _____

NATURE OF CLAIM: The claimant alleges that he incurred monetary damages when he maintained property that belonged to the City and County. During this investigation several attempts were made to contact the claimant to adequately assess his allegations, and he did not respond to phone calls or letters. Therefore, this claim is deemed abandoned.

INVESTIGATION:

Statements: City employee _____ Claimant _____ Other X Written _____ Oral _____

Pictures _____ Diagrams _____ Reports: Police _____ Dept Report _____ Other _____

Traffic citations issued: City Driver _____ Claimant Driver _____

Citation disposition: City Driver _____ Claimant Driver _____

BASIS OF RECOMMENDATION:

Function: Governmental _____ Ministerial X

Improper Notice _____ More than Six Months _____ Other _____ Damages reasonable _____

City not involved _____ Offer rejected _____ Compromise settlement _____

Repair/replacement by Ins. Co. _____ Repair/replacement by City Forces _____

Claimant Negligent _____ City Negligent _____ Joint _____ Claim Abandoned X

Respectfully submitted,


INVESTIGATOR - ALEXIS HOLMES

RECOMMENDATION:

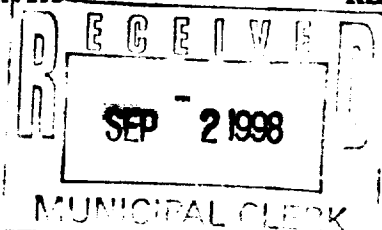
Pay \$ _____ Adverse X Account charged: 1A01 _____ 2J01 _____ 2H01 _____

Claims Manager:  Concur/date 08-08-01

Committee Action: _____ Council Action _____

COUNCIL OF THE CITY OF ATLANTA
MUNICIPAL CLERK
City Hall
55 Trinity Avenue, S.W.
Atlanta, Georgia 30335

RE: CLAIM FOR DAMAGES



Today's Date: 6-30-93
ENTERED - 9-14-98 - SB
98L0632 - ANTHONY OATIS

Dear Municipal Clerk:

This is to notify the City of Atlanta that I have suffered damages in the amount sum of \$ 210,00.00 property and/or \$ n/a bodily injury for which I contend the City is liable.

1. Date of incident: See letter 2. Time of Incident: — 3. Police called: — —
(month/day/year) Yes No
4. Location of incident (including street address): 912 Rice St NW / Willis St NW
5. Name of your insurance company: n/a Policy No. n/a
6. State what and how incident occurred: See letter Admendum A

7. ALL ESTIMATES AND DAMAGES ARE SUBJECT TO INSPECTION. THE MAKING OF FALSE CLAIMS WILL RESULT IN YOUR CLAIM BEING DENIED AND MAY RESULT IN CRIMINAL PROSECUTION!

8. The registered owner must make the claim for vehicle damages, complete the following and attach two (2) estimates of repair and proof of ownership of your vehicle (copy of the current tag receipt or title).

Your vehicle: n/a
(Make) (Year) (Tag Number) (Driver's Name)

City vehicle: n/a
(Make) (City Driver's Name) (Department/Bureau)

9. Witness: David Friedzberg P.O. Box 14248 At 130324 4047947499
(Name) (Address) (Telephone Number)

3 more +

10. The acknowledgement of this claim in no way waives the Sovereign immunity of the City of Atlanta, as granted by State law, nor is it an admission of liability on behalf of the City of Atlanta and/or its employee(s).

11. This claim should be mailed immediately to the address shown above.

I HEREBY SWEAR OR AFFIRM THAT THE ABOVE INFORMATION IS TRUE AND CORRECT.

Signature of Claimant

Roy A. Cole

(Print Claimant's Name)

912 Rice St NW

(Address)

Atlanta GA 30318

(City, State and Zip Code)

404-7941111 / 404 7949643

(Work Number)

(Home Number)

Roy A. Cole
912 Rice Street, NW
Atlanta, Georgia 30318
Fax (404) 792-1088
Home Phone (404) 794-9643

August 30, 1998

Council of the City of Atlanta
Municipal Clerk
55 Trinity Avenue, SW
Atlanta, Georgia 30335

CLAIM FOR DAMAGES AT 912 RICE STREET, NW ~ WILLIS STREET, NW

ADMENDUM A FOR SECTION 6 ON CLAIM FORM

Upon purchasing property from E. C. Gay on March 7, 1994 located at 912 Rice Street, NW (ALL THAT TRACT or parcel of land lying and being in Land Lot 190 of the 17th District of Fulton County Georgia filed in Book 17991 Page 340) I was unaware of any such street next to this property. There was a so called driveway adjacent to the home which had established trees, kudzu, and weeds. Upon having the property surveyed after the purchase it was brought to my attention that a road called Willis Street, NW use to exist. Upon notifying City of Atlanta, Zone One Police Department, 911 Emergency Services, and Public Works this road no longer existed; therefore, I maintained the so-called road, had the trees removed, road scraped, gravel replaced, and landscape completed. After the initial improvement I called the Mayor's Office, City of Atlanta Public Works, and other various agencies to request the city and county to maintain the property. They all refused and denied this road exists.

For over four years I maintained this property AKA Willis Street, NW. I called the City of Atlanta and the Mayor's Office (Phil McDonald and Nina Gentry) to see what needed to be done to have the city and county to either maintain the road or have the easement closed down. I was told the back taxes had to be paid on the easement to have it closed. We began and during this process, Mr. Holmes with the City of Atlanta Public Works decided to make sure this easement be kept open to please his friends with Historic Howell Station/Knight Park Neighborhood Association.

For over four years I kept-up and graveled Willis Street, NW and the City of Atlanta showed no interest in the property. I kept the grass cut, road graveled, road scraped, and landscaped. Mr. Holmes within the last few weeks came onto my property to claim that the City has been taking caring of Willis Street, NW and also claimed a portion of my own property as the City of Atlanta's without any surveys. I contested Mr. Holmes actions and he stated to me "He can do what he wants to" and made racial statement toward myself and David Friedeberg and then left.

Mr. Friedeberg and myself contacted Mr. Holmes supervisor, Mr. Lance and he defended Mr. Holmes by saying they were short staffed and could not afford the time for a survey crew to come out; therefore, Mr. Holmes 'eyed in' the survey. Since this date, Mr. Holmes and Mr. Price continually come onto my property without my consent nor warrants and acted as though they owned all my property. (I did advise Mr. Holmes to obtain warrants before coming onto any of my properties since he disrupts my tenants and myself)

Claim against City of Atlanta and Fulton County (Willis Street, NW Abandonment)

Since the City of Atlanta and Fulton County abandoned the property I am demanding the amount of \$210,00.00. This amount includes all maintenance of the road, dust and inconvenience of the road being kept open to the public (i.e. Fulton County Jail employee's parking and others using the road), and harassment by the City of Atlanta Public Works Department (Mr. Holmes and Mr. Lance).

Please understand, the so-called Willis Street, NW has no road signs, is unpaved, no sewers, no curbs, and the City of Atlanta Police Department will not tow vehicles off the road since it does not register in the EMS as a road.

01-*L*-1372

Claim against City of Atlanta and Fulton County (Willis Street, NW Abandonment)